

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 3, 2006

CALL TO PODIUM:

Frederick J. Felton
Assistant City Manager

RESPONSIBLE STAFF:

Frederick J. Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion – (Final Action)
	Work Session Discussion Item
	Other

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	3-6-06
Advertised	3-8-06
Hearing Date	3-20-06
Record Held Open	3-29-06
Policy Discussion	

TITLE:

An Emergency Ordinance to Amend Chapter 15 of the City Code, entitled "Offenses-Miscellaneous", to Create a New Section 15-18 Entitled "Picketing At A Private Residence", so as to Prohibit Picketing at a Private Residence Under Certain Circumstances

SUPPORTING BACKGROUND:

As you may recall, this ordinance was introduced at the March 6, 2006 regular Mayor and City Council meeting.

Pursuant to Section 32-23 of the Montgomery County Code, it is unlawful to picket in front of or adjacent to a private residence; however, Chapter 32 of the County Code is not applicable in the City of Gaithersburg.

We currently have a situation where a private residence in the City is being picketed periodically, and there is nothing the City can legally do to prevent the practice that seems to be creating a neighborhood disturbance.

The proposed ordinance is essentially identical to Montgomery County's law, and would prohibit picketing at a private residence under certain circumstances.

Attachment:

1. Proposed Ordinance
2. Letter received via email dated 3/29/06 from Fran Monblatt
3. Email dated 3/28/06 from Robert J. Fuentes
4. Letter dated 3/28/06 from Debra Weintraub
5. Email dated 3/27/06 from Gregory Gore
6. Letter dated 3/23/06 from Matthew Tarosky

DESIRED OUTCOME:

Record closed at 5:00 pm on March 29, 2006.
Staff recommends that the Mayor and City Council vote to amend Chapter 15 of the City code.

Ordinance No. _____

AN EMERGENCY ORDINANCE TO AMEND CHAPTER 15 OF THE CITY CODE, ENTITLED "OFFENSES-MISCELLANEOUS", TO CREATE A NEW SECTION 15-18 ENTITLED "PICKETING AT A PRIVATE RESIDENCE", SO AS TO PROHIBIT PICKETING AT A PRIVATE RESIDENCE UNDER CERTAIN CIRCUMSTANCES

The Mayor and City Council hereby declares an emergency to exist with respect to picketing at private residences within the City of Gaithersburg; THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 15 of the City Code, entitled "offenses-miscellaneous", is hereby amended to read as follows:

CHAPTER 15
OFFENSES-MISCELLANEOUS

* * * *

Section 15-18. Picketing at a private residence

(a) A person or group of persons must not picket in front of or adjacent to any private residence.

(b) This Section does not prohibit:

(1) a person or group of persons from marching in a residential area without stopping at any particular private residence; or

(2) picketing at a particular private residence:

(A) when that residence is also used for the occupant's sole place of business; or

(B) during a public meeting held at the residence.

(c) As used in this Section:

(1) "Picket" or "picketing" means to post a person or persons at a particular place to convey a message.

(2) A "public meeting" is a gathering:

(A) announced in advance to the public or a portion of the public;

(B) held to discuss a matter; and

(C) attended by at least 3 people who do not reside at the residence where the meeting is held.

Sec. 15-[18] 19. Violations; injunctive relief.

Any person violating any provision or requirement of this chapter shall be guilty of a misdemeanor, punishable as provided in section 1-7.

In addition thereto, the city may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief.

* * * *

ADOPTED this ____ day of _____, 2006 by the City Council of Gaithersburg, Maryland.

Sidney A. Katz, Mayor and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2006. APPROVED/VETOED by the Mayor of the City of Gaithersburg, this ____ day of _____, 2006.

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing emergency ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2006, and that the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2006. This Ordinance will become effective IMMEDIATELY.

David B. Humpton, City Manager